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09/587,629	06/05/2000	Rono James Mathieson	SLA.0155	7733
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Robert D Varitz, P.C. 2007 S.E. GRANT STREET			LUU, SY D	
Portland, OR 97214		ART UNIT	PAPER NUMBER	
,			2174	10
			DATE MAILED: 11/24/2003	1

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary Examiner Sy D Luü 2174 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	•				0			
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Sy O Luu 2174 217	Office Action Summary		09/587,629	MATHIESON, RONO JAMES				
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DETAILED ACTION

1. This communication is responsive to RCE and Amendment B, filed 8/27/03.

2. Claims 1-5 are pending in this application. Claims 1, 3, 5 are independent claims. In the

Amendment B, claims 1, 3 and 5 were amended. This action is made Non-Final.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Claim 1 recites "the peripheral device" on line 3. There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavendel et al.

("Levendel", US 6,587,129 B1).

As per claim 1, Lavendel teaches a user interface for controlling peripheral devices

comprising: a peripheral option display for presenting peripheral device-specific peripheral

options to a user immediately following selection of a peripheral device, wherein said peripheral

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option display includes a peripheral device-specific user interface (figs. 10a and 10b; col. 11,

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lines 54 et seq.). Although Lavendel teaches the command selection for a peripheral device to be

made by selecting, from a tab command bar, a command tab having specific control description

(col. 3, lines 32-36 and lines 44-46), Lavendel does not teach the tab command bar to show

icons. However, Official Notice is taken that the use of icons on command bars is notoriously

well known in the art. It would have been obvious to an artisan at the time of the invention to

combine such a feature with the command bar of Lavendel in order to give users quick visual

identification of available commands.

Claim 3 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Response to Arguments

7. Applicant's remarks/arguments with respect to claims 1 and 3 have been considered but

are moot in view of the new ground(s) of rejection. Although the claims as amended overcame

the applied prior art, however, the claims are rejected under new prior art in light of new

interpretations.

8.

Allowable Subject Matter

9. Claim 5 is allowed.

10. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

11. The following is an examiner's statement of reasons for allowance. The prior art made of

record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails

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to teach, in combination with the remaining elements: a bypass function for de-selecting said

peripheral option display as recited in claims 2, 4 and 5.

Any comments considered necessary by applicant must be submitted no later than the

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payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Inquiries

12. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The

examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The

examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned is

(703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

SY D. LUU

PRIMARY EXAMINER